

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC C. GRIMM,

Plaintiff,

v.

Case No. 1:17-CV-654

RAW STORY MEDIA, INC., et al.,

HON. GORDON J. QUIST

Defendants.

/

**ORDER DENYING AS MOOT PLAINTIFF'S
MOTION TO AMEND OR WITHDRAW ORDER**

On July 21, 2017, the Court entered an Order (ECF No. 5) directing Plaintiff, within twenty-one days, to file an amended complaint curing defects in Plaintiff's jurisdictional allegations. In particular, the Court noted that Plaintiff failed to establish diversity jurisdiction because Plaintiff alleged the citizenship of two limited liability companies as if they were corporations. The Court also noted that Plaintiff failed to allege the place of incorporation of Defendant The Associated Press.

In response, on August 3, 2017, Plaintiff filed a motion requesting that the Court withdraw or amend its July 21, 2017, Order. Having reviewed Plaintiff's motion, the Court makes several observations. First, the Court's statement that Plaintiff is an attorney proceeding pro se was simply a comment on the state of facts set forth in the complaint. The Court had (and has) no idea regarding Plaintiff's attempts to obtain counsel, and its statement that Plaintiff is proceeding pro se had nothing to do with the merits of the case. Second, in requiring Plaintiff to properly allege citizenship of the two limited liability companies and the corporation, this Court was not treating Plaintiff different than any other litigant. It is this Court's policy to review all complaints as they

are filed, particularly those based on diversity jurisdiction, to fulfill its obligation to assure itself of jurisdiction over the matter. Nothing in the Court's Order suggested that Plaintiff could not plead citizenship upon information and belief if Plaintiff did not readily possess such information and needed to obtain it through jurisdictional discovery or another avenue. The point is that Plaintiff used an incorrect legal standard. Finally, although Plaintiff suggests that Magistrate Judge Green should recuse, Plaintiff has not filed a proper motion to recuse, nor has he cited the pertinent recusal statutes.

In any event, Plaintiff's motion is moot because, on August 7, 2017, Plaintiff filed an amended complaint adding municipal Defendants and claims under 42 U.S.C. § 1983 and dropping the Washington Times, LLC and The Associated Press as a parties. In light of Plaintiff's addition of a one or more federal claims, it appears that the Court has subject matter jurisdiction under 28 U.S.C. § 1331, rendering Plaintiff's motion to amend or withdraw moot.

Therefore,

IT IS HEREBY ORDERED that, in light of Plaintiff's amended complaint, Plaintiff's Motion to Amend or Withdraw Order (ECF No. 6) is **DENIED AS MOOT**.

Dated: August 25, 2017

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE